

1 JAMES ATTRIDGE [SBN NO. 124003]

Business Trial Lawyer

2 The Fox Plaza, Suite 1204

1390 Market Street

3 San Francisco, CA 94102

Telephone: (415) 552-3088

4 Attorney for Plaintiff

5 ONEBEACON INSURANCE COMPANY

6
7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 ONEBEACON INSURANCE COMPANY,

12 Plaintiff(s),

13 v.

14 HAAS INDUSTRIES, INC.,

15 Defendant(s).

Case No: C-07-3540 BZ (MEJ)

**DECLARATION OF JOHN TURK IN
SUPPORT OF PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, FOR PARTIAL
SUMMARY JUDGMENT**

Date: April 2, 2008

Time: 10:00 a.m.

Courtroom: Courtroom G

17
18 I, JOHN TURK, declare and state:

19 1. At all times pertinent, I was Vice President of Omneon Video Networks
20 ("Omneon"). I know the following of my own personal knowledge and if called upon to do so,
21 could and would competently testify thereto.

22 2. On or about June 30, 2005, Omneon retained the services of defendant Haas
23 Industries, Inc. ("Haas") to transport a shipment of high tech product for the account of
24 Professional Products, Inc. ("PPI") from our facility in Sunnyvale, California to its customer, the
25 City College of New York.

26 3. The terms of sale between Omneon and PPI were FOB Omneon's dock.

27 4. Despite the fact the risk of loss shifted to PPI, PPI initially refused to pay its bill.

28 ///

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on this 27th day of February, 2008, at Sunnyvale, California.

4
5 _____/s/
6 JOHN TURK
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28